

REMARKS

Claims 1-3, 5-7, 9-11, and 26-31 are currently pending in the application. Claims 1, 9, 26-28, and 31 have been amended. Claim 8 has been canceled. Claims 12-25 have been previously withdrawn from examination. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 1-3, 5-11, and 26-31 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claim 8 has been canceled, thus rendering the rejections thereof moot. Claims 1 and 31 have been amended to include features that are completely supported by the specification. Support for these amendments can be found throughout the specification and more particularly in FIGURE 5 and on page 9, lines 3-21. With respect to claim 29, Applicant respectfully submits that the features of claim 29 are completely supported by the specification. Support for claim 29 can be found throughout the specification and more particularly on page 7, lines 17-20. Applicant therefore respectfully requests that the 35 U.S.C. § 112, first paragraph rejections of claims 1-3, 5-11, and 26-31 be withdrawn.

Claims 8-9, 26-28, and 31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has canceled claim 8 and amended claims 26, 28, and 31 to overcome the § 112 rejection. Applicant therefore respectfully requests that the 35 U.S.C. 112, second paragraph rejections of claims 8-9, 26-28, and 31 be withdrawn.

Claims 1-3, 5, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,083,406 to DePaul et al. (DePaul") in view of U.S. Patent No. 2,559,267 to Winslow et al. ("Winslow").

Independent claim 1 relates to a system for purifying fluid. Applicant respectfully submits that the combination of DePaul and Winslow fails to teach, suggest, or obviate at least one of the distinguishing features of independent claim 1, namely, an evaporation canister comprising an evaporator cup for receiving the fluid, the evaporator cup including a heating

wand and a base adapted to allow the fluid to pool at the base causing the fluid to disperse over a large surface area. In addition, the combination of DePaul and Winslow fails to disclose a container adapted to receive the fluid via an orifice located below the heating wand, the heating wand adapted to heat the fluid in the evaporator cup and wherein the fluid flows underneath the heating wand and engulfs the heating wand, thereby facilitating evaporation of the liquid contaminants.

DePaul discloses an apparatus and method for improved in-line contaminant removal from engine lubricating oil. The oil is first filtered and then drained and deposited upon an upper central surface portions of a heated dome. The oil forms a thin film from which relatively low boiling volatile impurities are rapidly separated in a gaseous state. The gas is vented through a pressure relief valve to a manifold while the recovered reconditioned oil is collected and recycled.

Winslow discloses filtering units for purifying and conditioning fluids and, more particularly, to filtering units adapted to be employed in a fluid circulation system for purifying and conditioning fluid after it has once served its function in a machine or process so that it can be re-circulated for the same purpose.

In contrast to claim 1, there is no teaching or suggestion by the combination of DePaul and Winslow of an evaporator cup including a heating wand and a base adapted to allow the fluid to pool at the base allowing the fluid to disperse over a large surface area. In addition, there is no teaching or suggestion by the combination of DePaul and Winslow of a container adapted to receive the fluid via an orifice located below a heating wand, the heating wand adapted to heat the fluid in the evaporator cup and wherein the fluid flows underneath the heating wand and engulfs the heating wand. DePaul discloses an evaporation apparatus in which oil is fed downwardly in an upper chamber from an end or terminal nozzle of a metering jet located towards a top portion of the evaporation apparatus. DePaul further discloses that the oil entering the chamber is preferably deposited on an upper surface of an apex region of a domed platen and flows downwardly by gravity. In contrast to DePaul, according to claim 1, the evaporation canister comprises an evaporator cup including a heating wand and a base adapted to allow the fluid to pool at the base. The heating wand also assists the fluid to pool at the base. For example, the heating wand is adapted to impede the flow of fluid through the evaporator cup

allowing the fluid to pool at the base of the evaporator cup and also allows sufficient heat transfer causing the liquid contaminants to change state and exit the fluid as vapor.

However, the domed platen as disclosed in DePaul does not allow the fluid to pool at the base as in claim 1. In addition, according to claim 1, a container of the evaporation canister receives the fluid via an orifice located below a heating wand. In contrast, DePaul discloses an evaporation apparatus in which oil enters a chamber from a metering jet located towards a top portion of the evaporation apparatus. Furthermore, according to claim 1, the fluid flows underneath the heating wand and engulfs the heating wand. In contrast, according to DePaul, oil entering the chamber is preferably deposited on an upper surface of an apex region of a domed platen and flows downwardly by gravity. Winslow fails to cure the deficiencies of DePaul disclosed above. Applicant respectfully submits that independent claim 1 distinguishes over the cited combination of DePaul and Winslow and respectfully requests that the rejection thereof be withdrawn.

Dependent claims 2-3, 5, and 30 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 2-3, 5, and 30 distinguish over the cited combination of DePaul and Winslow and are in condition for allowance. Withdrawal of the rejection of dependent claims 2-3, 5, and 30 is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and further in view of U.S. Patent No. 5,431,588 to Kucik ("Kucik"). Claim 6 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 6 distinguishes over the cited combination of DePaul, Winslow, and Kucik and is in condition for allowance. Withdrawal of the rejection of dependent claim 6 is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and further in view of U.S. Patent No. 3,982,520 to Wheeler ("Wheeler"). Dependent claim 7 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the

rejection of independent claim 1, dependent claim 7 distinguishes over the cited combination of DePaul, Winslow, and Wheeler and is in condition for allowance. Withdrawal of the rejection of dependent claim 7 is respectfully requested.

Claims 8-9 and 11 stand rejected U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and further in view of U.S. Patent No. 6,287,455 to Whitmore (“Whitmore”).

Dependent claim 8 has been canceled, thus rendering the rejection thereof moot. Dependent claims 9 and 11 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 9 and 11 distinguish over the cited combination of DePaul, Winslow, and Whitmore and are in condition for allowance. Withdrawal of the rejection of dependent claims 9 and 11 is respectfully requested.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and further in view of U.S. Patent No. 6,072,152 to Landry (“Landry”). Dependent claim 10 depends from and further restricts independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 10 distinguishes over the cited combination of DePaul, Winslow, and Landry and is in condition for allowance. Withdrawal of the rejection of dependent claim 10 is respectfully requested.

Claim 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 6,096,208 to Connelly et al. (“Connelly”) and U.S. Patent No. 5,234,592 to Schneider (“Schneider”). Dependent claims 26 and 28 depend from and further restrict independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claims 26 and 28 distinguish over the cited combination of DePaul, Winslow, Whitmore, Connelly, and Schneider and are in condition for allowance. Withdrawal of the rejection of dependent claims 26 and 28 is respectfully requested.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Winslow and Whitmore and further in view of U.S. Patent No. 3,616,885 to Priest (“Priest”). Dependent claim 27 depends from and further restricts independent claim 1 in a

patentable sense. Applicant respectfully submits that, for at least the reasons set forth above with respect to the rejection of independent claim 1, dependent claim 27 distinguishes over the cited combination of DePaul, Winslow, Whitmore, and Priest and is in condition for allowance. Withdrawal of the rejection of dependent claim 27 is respectfully requested.

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DePaul in view of Whitmore.

Claims 31 relates to a system for purifying fluid. Applicant respectfully submits that the combination of DePaul and Whitmore fails to teach, suggest, or obviate at least one of the distinguishing features of independent claim 31, namely, an evaporator cup for receiving filtered fluid from a filtration canister via an orifice located below a heating wand, the evaporation cup including an interior portion, an exterior portion, and a base adapted to allow the fluid to pool at the base causing the fluid to disperse over a large surface area. The Office Action asserts that DePaul fails to disclose the evaporator cup. However, Whitmore has been cited as teaching this feature.

Whitmore discloses means for removing water, antifreeze and fuel from lubricating or hydraulic oil by evaporating impurities and venting them out of the purifier. Applicant respectfully submits that Whitmore fails to disclose an evaporator cup having a base adapted to allow the fluid to pool at the base causing the fluid to disperse over a large surface area. In contrast to claim 1, Whitmore teaches a regulator/flow screw adapted to regulate the flow of oil through an inlet duct into a heating chamber. The regulator as disclosed in Whitmore prevents the fluid to pool at the base causing the fluid to disperse over a large surface area as claimed. Applicant respectfully submits that independent claim 31 distinguishes over the cited combination of DePaul and Whitmore and respectfully requests that the rejection thereof be withdrawn.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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